UNITED STATES BANKRUPTCY COURT

Eastern District of California
Honorable W. Richard Lee
Hearing Date: Thursday, February 26, 2015
Place: Department B – Courtroom #12
Fresno, California

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

- 1. The following rulings are tentative. The tentative ruling will not become the final ruling until the matter is called at the scheduled hearing. Pre-disposed matters will generally be called, and the rulings placed on the record at the end of the calendar. Any party who desires to be heard with regard to a pre-disposed matter may appear at the hearing. If the party wishes to contest the tentative ruling, he/she shall notify the opposing party/counsel of his/her intention to appear. If no disposition is set forth below, the hearing will take place as scheduled.
- 2. Submission of Orders:

Unless the tentative ruling expressly states that the court will prepare a civil minute order, then the tentative ruling will only appear in the minutes. If any party desires an order, then the appropriate form of order, which conforms to the tentative ruling, must be submitted to the court. When the debtor(s) discharge has been entered, proposed orders for relief from stay must reflect that the motion is denied as to the debtor(s) and granted only as to the trustee. Entry of discharge normally is indicated on the calendar.

3. Matters Resolved Without Opposition:

If the tentative ruling states that no opposition was filed, and the moving party is aware of any reason, such as a settlement, why a response may not have been filed, the moving party must advise Vicky McKinney, the Calendar Clerk, at (559) 499-5825 by 4:00 p.m. the day before the scheduled hearing.

4. Matters Resolved by Stipulation:

If the parties resolve a matter by stipulation after the tentative ruling has been posted, but **before the formal order is entered on the docket**, the **moving party** may appear at the hearing and advise the court of the settlement or withdraw the motion. Alternatively, the parties may submit a stipulation and order to modify the tentative ruling together with the proposed order resolving the matter.

5. Resubmittal of Denied Matters:

If the moving party decides to re-file a matter that is denied without prejudice for any reason set forth below, the moving party must file and serve a new set of pleadings with a new docket control number. It may not simply re-notice the original motion.

THE COURT ENDEAVORS TO PUBLISH ITS PREDISPOSITIONS AS SOON AS POSSIBLE, HOWEVER CALENDAR PREPARATION IS ONGOING AND THESE PREDISPOSITIONS MAY BE REVISED OR UPDATED AT ANY TIME PRIOR TO 4:00 P.M. THE DAY BEFORE THE SCHEDULED HEARINGS. PLEASE CHECK AT THAT TIME FOR POSSIBLE UPDATES.

9:00 A.M.

1. 12-18603-B-7 JAVIER CRUZ ESPINOZA MOTION FOR ENTRY OF DEFAULT 14-1139 UST-1 JUDGMENT 1-7-15 [9]
ROBIN TUBESING/Atty. for mv.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent's default will be entered and the motion will be granted without oral argument based on well-pled facts and judicial notice of the record in the case. The U.S. Trustee shall submit proposed findings of fact, conclusions of law, and a proposed judgment revoking the debtor's discharge. No appearance is necessary.

2. $\frac{14-14514}{14-1149}$ -B-7 GREGORY/MEREDITH LEISLE STATUS CONFERENCE RE: COMPLAINT 12-8-14 [$\frac{1}{2}$] MORENO V. LEISLE WALTER WHELAN/Atty. for pl.

This matter will be dropped from calendar. The summons has been reissued and another date has been set for the status conference. No appearance is necessary.

3. 14-13430-B-7 STEPHEN/JENNIFER FORD CONTINUED STATUS CONFERENCE RE:

14-1142 COMPLAINT
FEAR V. ANDERSON ET AL 11-26-14 [1]
TRUDI MANFREDO/Atty. for pl.
RESPONSIVE PLEADING

4. 14-15532-B-13 PEDRO/TERESA LOPEZ MOTION FOR ENTRY OF DEFAULT 14-1146 U.S. TRUSTEE V. LOPEZ ET AL 1-22-15 [13] ROBIN TUBESING/Atty. for mv.

5. <u>14-14541</u>-B-7 REBECCA LIEBERKNECHT STATUS CONFERENCE RE: AMENDED COMPLAINT LIEBERKNECHT V. US DEPARTMENT 2-9-15 [<u>10</u>]

OF EDUCATION ET AL

This matter will be dropped from calendar. The summons has been reissued and another date has been set for the status conference. No appearance is necessary.

6. <u>14-13949</u>-B-11 FAREED SAPHIEH INC. V. SAPHIEH ROBERT RENTTO/Atty. for pl. RESPONSIVE PLEADING

RESCHEDULED STATUS CONFERENCE

The court intends to dismiss this adversary proceeding by civil minute order. The main case has been dismissed and the issues raised with regard to the debtor's discharge and dischargeability of his debt to the plaintiff are now moot. No appearance is necessary.

13<u>-16171</u>-B-7 FRANCES PASS 7. 14-1056 TRUDI MANFREDO/Atty. for pl. SALVEN V. GALLI ET AL RESPONSIVE PLEADING

CONTINUED STATUS CONFERENCE RE: COMPLAINT 5-28-14 [<u>1</u>]

13-16171-B-7 FRANCES PASS CONTINUED MOTION FOR SUMMARY
14-1056 TGM-1 JUDGMENT AND/OR MOTION FOR 8. SALVEN V. GALLI ET AL

TRUDI MANFREDO/Atty. for mv. RESPONSIVE PLEADING

09-12188-B-13 DAVID/DAWN PHANCO
MOTION FOR ENTRY OF DEFAULT
JUDGMENT
PHANCO ET AL V. EL-HADADEEN
CARRIEL WARDELL (Attach for my) 9. GABRIEL WADDELL/Atty. for mv.

SUMMARY ADJUDICATION 12-22-14 [44]

10. <u>14-12988</u>-B-7 MARGARET CASTILLO STATUS CONFERENCE RE: COMPLAINT 14-1148 PEREZ V. SALVEN PETER BUNTING/Atty. for pl.

12-8-14 [1]

9:30 A.M.

1. 12-14426-B-7 HEATHER OBERNOLTE
14-1107
MANFREDO V. WATERMAN
GABRIEL WADDELL/Atty. for pl.
RESPONSIVE PLEADING

PRE-TRIAL CONFERENCE RE:
COMPLAINT
8-28-14 [1]

1. 14-14000-B-7 JAMES/ROSE CASTILLO
 TCS-1
 JAMES CASTILLO/MV
 TIMOTHY SPRINGER/Atty. for dbt.

CONTINUED MOTION TO AVOID LIEN OF CAVALRY INVESTMENTS, LLC 12-29-14 [47]

This motion has been withdrawn. No appearance is necessary.

2. 14-12101-B-7 JORGE LARA

JES-1

JAMES SALVEN/MV

JANINE ESQUIVEL/Atty. for dbt.

ORDER 2/3/15

MOTION TO EMPLOY LONDON PROPERTIES AS BROKER(S) 1-31-15 [60]

3. 14-15401-B-7 FRED THOMAS
UST-1
TRACY DAVIS/MV
DANIEL CRAVENS/Atty. for dbt.
ROBIN TUBESING/Atty. for mv.
RESPONSIVE PLEADING

MOTION TO DISMISS CASE PURSUANT TO 11 U.S.C. SECTION 707(B) 1-29-15 [22]

This motion was fully noticed in compliance with the Local Rules. The debtor filed a notice of non opposition and has consented to dismissal for cause shown. Accordingly, the motion will be granted without oral argument. The moving party shall submit a proposed order. No appearance is necessary.

4. 12-12017-B-7 MICHAEL/JULIE WATSON
TMT-2
TRUDI MANFREDO/MV
F. GIST/Atty. for dbt.
TRUDI MANFREDO/Atty. for mv.

OBJECTION TO DEBTOR'S CLAIM OF EXEMPTIONS 1-2-15 [37]

5. 14-16119-B-7 JACK/TRACI HERRERA
MMW-1
JACK HERRERA/MV
JUSTIN HARRIS/Atty. for dbt.

MOTION TO COMPEL ABANDONMENT 1-20-15 [9]

This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion is indefinite with regard to the specific items of property to be abandoned. Accordingly, the motion will be granted without oral argument, for cause shown, provided the chapter 7 trustee consents and signs the proposed order submitted by the debtors that specifically describes each item of abandoned property. No appearance is necessary.

6. 12-60332-B-7 PAUL/PAULA NICORA
JTW-2
JANZEN, TAMBERI AND WONG/MV

JOSEPH ARNOLD/Atty. for dbt.

MOTION FOR COMPENSATION FOR JANZEN, TAMBERI AND WONG, ACCOUNTANT(S)
11-11-14 [62]

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

Pursuant to Bankruptcy Rule 2002(a)(6), this application for fees in an amount less than \$1,000 did not require a noticed hearing.

7. <u>10-61034</u>-B-7 RAFAEL CHAVEZ
ALG-1
RAFAEL CHAVEZ/MV
JANINE ESQUIVEL/Atty. for dbt.

MOTION TO AVOID LIEN OF FORD MOTOR CREDIT COMPANY LLC 1-27-15 [28]

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

8. 15-10235-B-7 DAVID ROTH

SW-1

CALIFORNIA REPUBLIC BANK/MV

DAVID JENKINS/Atty. for dbt.

TORIANA HOLMES/Atty. for mv.

NOTICED FOR INCORRECT TIME

MOTION FOR RELIEF FROM AUTOMATIC STAY 2-11-15 [11]

This hearing was erroneously noticed for the wrong time. The motion will be trailed to the end of the 10:30 a.m. calendar. No appearance is necessary at 10:00 a.m.

9. <u>15-10236</u>-B-7 RACHEL NAVARRETE
MAZ-1
RACHEL NAVARRETE/MV
MARK ZIMMERMAN/Atty. for dbt.

MOTION TO COMPEL ABANDONMENT 1-30-15 [16]

10. 14-15042-B-13 RANDA TARVIN
UST-1
TRACY DAVIS/MV
VARDUHI PETROSYAN/Atty. for dbt.
ROBIN TUBESING/Atty. for mv.
CONVERTED 1/22/15 TO CH. 13,

MOTION TO DISMISS CASE PURSUANT TO 11 U.S.C. SECTION 707(B) 1-16-15 [15]

This motion will be denied as moot. The case has been converted to chapter 13. No appearance is necessary.

11. <u>12-60054</u>-B-7 DWIGHT/NELLIE LONG MOTION TO SELL FREE AND CLEAR RHT-15 ROBERT HAWKINS/MV LAYNE HAYDEN/Atty. for dbt. ROBERT HAWKINS/Atty. for mv. WITHDRAWN

OF LIENS 2-3-15 [<u>202</u>]

The motion has been withdrawn. No appearance is necessary.

13-16155-B-7 MICHAEL WEILERT AND GENEVIEVE DE MONTREM 12. MICHAEL WEILERT/MV RILEY WALTER/Atty. for dbt.

MOTION TO AVOID LIEN OF BRIAN GENEVIEVE DE MONTREMARE

L. GWARTZ AND CHERYL A. SKIGIN

1-8-15 [244] 1-8-15 [244]

At the request of the moving party, this matter will be rescheduled to March 26, 2015, at 10:00 a.m. No appearance is necessary.

13-16155-B-7MICHAEL WEILERT ANDMOTION TO COMMUNEWW-6GENEVIEVE DE MONTREMARE1-8-15 [250] 13. MICHAEL WEILERT/MV RILEY WALTER/Attv. for dbt.

MOTION TO COMPEL ABANDONMENT

At the request of the moving party, this matter will be rescheduled to March 26, 2015, at 10:00 a.m. No appearance is necessary.

14. 13-12959-B-7 LORENA OREGEL JES-1 JAMES SALVEN/MV

MOTION TO COMPEL 1-29-15 [20]

15. <u>13-14059</u>-B-7 HILDA PEREZ JES-3 JAMES SALVEN/MV

MOTION TO COMPEL 1-29-15 [<u>28</u>]

16. 14-12969-B-7 GUSTAVO/MARIA RODRIGUEZ JES-2 JAMES SALVEN/MV

MOTION TO SELL AND/OR MOTION FOR COMPENSATION FOR BAIRD AUCTIONS, AUCTIONEER(S) 1-28-15 [<u>29</u>]

ERIC ESCAMILLA/Atty. for dbt.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordinglyy, the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

17. 09-62372-B-7 ZANE/EVA HAMMOND RLF-3

MOTION FOR COMPENSATION FOR JEFF REICH, TRUSTEE'S ATTORNEY (S) 9-3-14 [87]

RANDY RISNER/Atty. for dbt. ORDER GRANTING 2/12/15

This matter will be dropped from calendar. These fees have already been approved in an order dated February 12, 2015. No appearance is necessary. 18. <u>09-62372</u>-B-7 ZANE/EVA HAMMOND
RR-5
ZANE HAMMOND/MV

RANDY RISNER/Atty. for dbt.

CONTINUED MOTION TO AVOID LIEN OF TREICHEL CONCRETE CONTRUCTION 12-30-14 [103]

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

19. <u>09-62372</u>-B-7 ZANE/EVA HAMMOND

RR-6

ZANE HAMMOND/MV

RANDY RISNER/Atty. for dbt.

MOTION TO AVOID LIEN OF CREDITORS BUREAU USA 2-12-15 [126]

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

20. <u>13-16172</u>-B-7 JUDY KEEL JES-1 JAMES SALVEN/MV

MOTION TO COMPEL 1-29-15 [27]

21. <u>13-15573</u>-B-7 DIANA VALLE JES-1 JAMES SALVEN/MV MOTION TO COMPEL 1-29-15 [20]

22. <u>13-17082</u>-B-7 RONALD RUSHING PLF-7
TRUDI MANFREDO/MV

MOTION TO COMPROMISE
CONTROVERSY/APPROVE SETTLEMENT
AGREEMENT WITH RONALD BOYD
RUSHING, RON RUSHING, INC.,
BOYD ENTERPRISES, INC., AND
EXCESS PROPERTIES, INC.
1-26-15 [180]

SCOTT LYONS/Atty. for dbt. PETER FEAR/Atty. for mv.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

CHRISTOPHER FISHER/Atty. for dbt. TRUDI MANFREDO/Atty. for mv.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

24. <u>14-13685</u>-B-7 DAVID ESGUERRA AND MARIA MOTION TO SELL AND/OR MOTION TO JES-3 HUIZAR-ESGUERRA PAY JAMES SALVEN/MV 1-30-15 [47]

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

25. <u>14-14087</u>-B-7 JESSE/VIOLETA VALADEZ
JES-2
JAMES SALVEN/MV

MOTION TO SELL AND/OR MOTION FOR COMPENSATION FOR BAIRD AUCTIONS AND APPRAISALS, AUCTIONEER(S) 1-30-15 [22]

NICHOLAS ANIOTZBEHERE/Atty. for dbt.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

26. <u>14-14590</u>-B-7 BRIAN/CATHERINE PHILLIPS
TMT-1
TRUDI MANFREDO/MV

MOTION TO EMPLOY GOULD AUCTION AND APPRAISAL COMPANY AS AUCTIONEER, AUTHORIZING SALE OF PROPERTY AT PUBLIC AUCTION AND AUTHORIZING PAYMENT OF AUCTIONEER FEES AND EXPENSES 1-20-15 [17]

GEOFFREY ADALIAN/Atty. for dbt. TRUDI MANFREDO/Atty. for mv.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

27. <u>14-10592</u>-B-7 LINO/FATIMA SOARES
TOG-1
LINO SOARES/MV
THOMAS GILLIS/Atty. for dbt.

MOTION TO SELL FREE AND CLEAR OF LIENS 2-5-15 [31]

This motion will be denied. The debtors seek authorization to sell property of the estate pursuant to 11 USC \S 363. However, \S 363 does not apply to chapter 7 debtors, only the trustee is authorized to sell property of the estate. The debtors' remedy is to request an order compelling abandonment of the property pursuant to \S 554(b). Once the property is abandoned from the estate, the debtors may sell the property without the need for court approval. No appearance is necessary.

28. <u>14-14792</u>-B-7 PERRY/JENNIFER WALLACE MOTION TO SELL JES-2 1-28-15 [<u>22</u>] JAMES SALVEN/MV MARIO LANGONE/Atty. for dbt.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

29. <u>14-11099</u>-B-7 LILLIAN RUBIO

JES-1

JAMES SALVEN/MV

ROSALINA NUNEZ/Atty. for dbt.

MOTION TO SELL 1-27-15 [17]

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

1. 14-15619-B-7 ROLANDO MARTINEZ AND CJO-1 NORMA MENCHACA GREEN TREE SERVICING LLC/MV JOEL WINTER/Atty. for dbt. CHRISTINA O/Atty. for mv.

MOTION FOR RELIEF FROM AUTOMATIC STAY 1-29-15 [12]

2. <u>15-10120</u>-B-7 PAUL CARDOSO
RK-1
CITIZENS BUSINESS BANK/MV
SCOTT LYONS/Atty. for dbt.
RAFFI KHATCHADOURIAN/Atty. for mv.

MOTION FOR RELIEF FROM AUTOMATIC STAY 2-5-15 [10]

3. 14-15949-B-7 RUBEN HERNANDEZ
CJO-1
THE BANK OF NEW YORK MELLON/MV
JANINE ESQUIVEL/Atty. for dbt.
CHRISTINA O/Atty. for mv.

MOTION FOR RELIEF FROM AUTOMATIC STAY 2-11-15 [22]

4. 14-12154-B-7 DEL/LESLIE BARTON

JCW-1

CITIMORTGAGE, INC./MV

ALFRED GALLEGOS/Atty. for dbt.

JENNIFER WONG/Atty. for mv.

MOTION FOR RELIEF FROM AUTOMATIC STAY 1-28-15 [40]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted without oral argument for cause shown. The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5 to the extent that it applies. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. Unless the court expressly orders otherwise, the proposed order shall not include any other relief. If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.

5. 14-15566-B-7 JOHN ROCHA
APN-1
SANTANDER CONSUMER USA INC./MV
GARY HUSS/Atty. for dbt.
AUSTIN NAGEL/Atty. for mv.

MOTION FOR RELIEF FROM AUTOMATIC STAY 1-21-15 [18]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted without oral argument for cause shown. The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The proposed order shall specifically describe the property or action to which the order If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5 to the extent that it applies. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. Unless the court expressly orders otherwise, the proposed order shall not include any other relief. If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.

1. 14-15627-B-7 LUZ SANCHEZ

REAFFIRMATION AGREEMENT WITH TOYOTA MOTOR CREDIT CORPORATION 1-22-15 [13]

THOMAS GILLIS/Atty. for dbt.

The court intends to deny approval of the reaffirmation agreement and the hearing will be dropped from calendar. Debtor was represented by counsel when he/she entered into the reaffirmation agreement. Pursuant to 11 U.S.C. § 524(c)(3), "if the debtor is represented by counsel, the agreement must be accompanied by an affidavit of the debtor(s) attorney attesting to the referenced items before the agreement will have legal effect." In re Minardi, 399 B.R. 841, 846 (Bankr. N.D. Ok, 2009) (emphasis in original). In this case, the debtor's attorney affirmatively represented that he could not recommend the reaffirmation agreement. Therefore, the agreement does not meet the requirements of 11 U.S.C. § 524(c) and is not enforceable. No appearance is necessary at this hearing.

2. 14-15829-B-7 SHARRON COTTON

PRO SE REAFFIRMATION AGREEMENT WITH GOLDEN 1 CREDIT UNION 2-2-15 [20]

LAYNE HAYDEN/Atty. for dbt.

The hearing will be dropped from calendar. The court is not approving or denying approval of the reaffirmation agreement. Debtor was represented by counsel when she entered into the reaffirmation agreement. Pursuant to 11 U.S.C. § 524(c)(3), "if the debtor is represented by counsel, the agreement must be accompanied by an affidavit of the debtor's attorney attesting to the referenced items before the agreement will have legal effect." In re Minardi, 399 B.R. 841, 846 (Bankr. N.D. Ok, 2009) (emphasis in original). The reaffirmation agreement, in the absence of a declaration by debtor's counsel, does not meet the requirements of 11 U.S.C. § 524(c) and is not enforceable. The Debtor shall have 14 days to refile the reaffirmation agreement properly signed and endorsed by the attorney. No appearance is necessary at this hearing.

3. 14-15440-B-7 JOSE/FELICITAS FIERRO

PRO SE REAFFIRMATION AGREEMENT WITH NATIONWIDE WEST LLC 1-29-15 [15]

THOMAS GILLIS/Atty. for dbt.

The hearing will be dropped from calendar. The court intends to deny approval of this reaffirmation agreement. Debtors were represented by counsel when they entered into the reaffirmation agreement. Pursuant to 11 U.S.C. § 524(c)(3), "if the debtor is represented by counsel, the agreement must be accompanied by an affidavit of the debtor's attorney attesting to the referenced items before the agreement will have legal effect." In re Minardi, 399 B.R. 841, 846 (Bankr. N.D. Ok, 2009) (emphasis in original). The reaffirmation agreement, in the absence of a declaration by debtor's counsel, does not meet the requirements of 11 U.S.C. § 524(c) and is not enforceable. In addition, both the reaffirmation agreement and the bankruptcy schedules show that reaffirmation of this debt creates a presumption of undue hardship which has not been rebutted in the reaffirmation agreement. No appearance is necessary.

4. <u>14-15556</u>-B-7 EDGAR GOMEZ AND DEYENIRA GERARDO

PRO SE REAFFIRMATION AGREEMENT WITH STAR ONE CREDIT UNION 2-2-15 [16]

MARK ZIMMERMAN/Atty. for dbt.

The hearing will be dropped from calendar. The court is not approving or denying approval of the reaffirmation agreement. Debtors were represented by counsel when they entered into the reaffirmation agreement. Pursuant to 11 U.S.C. § 524(c)(3), "if the debtor is represented by counsel, the agreement must be accompanied by an affidavit of the debtor's attorney attesting to the referenced items before the agreement will have legal effect." In re Minardi, 399 B.R. 841, 846 (Bankr. N.D. Ok, 2009) (emphasis in original). The declaration by debtor's counsel in the reaffirmation agreement has been crossed out and therefore is not effective and does not meet the requirements of 11 U.S.C. § 524(c). This reaffirmation agreement is not enforceable. No appearance is necessary at this hearing.

5. 14-15558-B-7 CESAR/ALMA CHAVEZ

REAFFIRMATION AGREEMENT WITH TOYOTA MOTOR CREDIT CORPORATION 1-27-15 [17]

MARK ZIMMERMAN/Atty. for dbt.

The court intends to deny approval of this reaffirmation agreement. The debtor(s) attorney signed the reaffirmation agreement certifying that he or she has explained the agreement to the debtors, but did not check the box to state an opinion that the reaffirmed debt will not create an undue hardship. Both the reaffirmation agreement and the bankruptcy schedules show that reaffirmation of this debt creates a presumption of undue hardship which has not been rebutted in the reaffirmation agreement. No appearance is necessary.

11-10200-B-13 WARREN/MICHELLE BOND MOTION TO DISMISS CASE FOR MHM-2MICHAEL MEYER/MV TIMOTHY SPRINGER/Atty. for dbt.

FAILURE TO MAKE PLAN PAYMENTS 1-9-15 [117]

This motion has been withdrawn. No appearance is necessary.

2. 11-61502-B-13 JOSE SOLIS MHM-1MICHAEL MEYER/MV ADRIAN WILLIAMS/Atty. for dbt. WITHDRAWN

OBJECTION TO DISCHARGE BY MICHAEL H. MEYER 1-21-15 [67]

This objection has been withdrawn. No appearance is necessary.

10-11112-B-13 TED/KRISS STEELE 3. MHM-2MICHAEL MEYER/MV SUSAN HEMB/Attv. for dbt.

MOTION TO DISMISS CASE FOR FAILURE TO MAKE PLAN PAYMENTS 1-5-15 [138]

This motion has been withdrawn. No appearance is necessary.

10-11112-B-13 TED/KRISS STEELE MOTION TO DISMISS CASE 4. MHM-3MICHAEL MEYER/MV SUSAN HEMB/Atty. for dbt.

2-10-15 [149]

This motion has been withdrawn. No appearance is necessary.

10-11112-B-13 TED/KRISS STEELE SAH-12 TED STEELE/MV SUSAN HEMB/Atty. for dbt. RESPONSIVE PLEADING

MOTION TO MODIFY PLAN 1-23-15 [143]

14-10512-B-13 JOSE/MARIA INES TAFOLLA MOTION TO DISMISS CASE FOR MHM-2MICHAEL MEYER/MV DAVID JENKINS/Atty. for dbt.

FAILURE TO MAKE PLAN PAYMENTS 1-12-15 [28]

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition. The evidence shows that the debtors are in material default of their plan payments and that the default has not been cured. Accordingly, the motion will be granted without oral argument. The case will be dismissed for cause shown. court will prepare a civil minute order. No appearance is necessary.

7. 12-11621-B-13 RODNEY BAKER AND RACHAEL MOTION TO DISMISS CASE FOR MHM-1 NUNEZ-BAKER MICHAEL MEYER/MV SCOTT LYONS/Atty. for dbt.

FAILURE TO MAKE PLAN PAYMENTS 1-15-15 [<u>37</u>]

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition. The evidence shows that the debtors are in material default of their plan payments and that the default has not been cured. Accordingly, the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare a civil minute order. No appearance is necessary.

8. 14-10221-B-13 EDWARD/PATRICIA THOMAS MHM-2MICHAEL MEYER/MV JAMES MILLER/Atty. for dbt.

MOTION TO DISMISS CASE FOR FAILURE TO MAKE PLAN PAYMENTS 1-12-15 [28]

This motion has been withdrawn. No appearance is necessary.

13-12323-B-13 KIM DIBELLO 9. MHM-2MICHAEL MEYER/MV JOEL WINTER/Atty. for dbt.

MOTION TO DISMISS CASE FOR FAILURE TO MAKE PLAN PAYMENTS 1-15-15 [43]

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition. The evidence shows that the debtors are in material default of their plan payments and that the default has not been cured. Accordingly, the motion will be granted without oral argument. The case will be dismissed for cause shown. court will prepare a civil minute order. No appearance is necessary.

13-16725-B-13 CLINE/SABRINA GARNER 10. MHM-1MICHAEL MEYER/MV

MOTION TO DISMISS CASE FOR FAILURE TO MAKE PLAN PAYMENTS AND/OR MOTION TO DISMISS CASE 1-13-15 [29]

GARY HUSS/Atty. for dbt. WITHDRAWN

This motion has been withdrawn. No appearance is necessary.

13-17827-B-13 ALEX CACERES 11. MHM-1 MICHAEL MEYER/MV MARK ZIMMERMAN/Atty. for dbt. RESPONSIVE PLEADING

MOTION TO DISMISS CASE FOR FAILURE TO MAKE PLAN PAYMENTS 1-12-15 [26]

The motion has been withdrawn. No appearance is necessary.

12. 14-13027-B-13 MARTHA MARTINEZ
MHM-2
MICHAEL MEYER/MV
SCOTT LYONS/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE FOR FAILURE TO MAKE PLAN PAYMENTS 1-12-15 [26]

This motion has been withdrawn. No appearance is necessary.

13. 11-16631-B-13 TONY/ELISA CARLOS
MHM-3
MICHAEL MEYER/MV
PETER FEAR/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE FOR FAILURE TO MAKE PLAN PAYMENTS 1-9-15 [64]

This motion has been withdrawn. No appearance is necessary.

14. 12-13931-B-13 KIMBERLY VILAYPHONE MHM-2
MICHAEL MEYER/MV
PETER FEAR/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE FOR FAILURE TO MAKE PLAN PAYMENTS 1-15-15 [55]

This motion has been withdrawn. No appearance is necessary.

15. 12-11734-B-13 ALBERT HUGHES

JCW-1

JPMORGAN CHASE BANK, NATIONAL

ASSOCIATION/MV

PETER FEAR/Atty. for dbt.

JENNIFER WONG/Atty. for mv.

MOTION TO APPROVE LOAN MODIFICATION 1-30-15 [85]

This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument. The court does not approve or disapprove the terms of a mortgage modification outside of a chapter 13 plan. See In re Wofford, 449 B.R. 362 (Bankr. W.D. Wis. 2011). However, the court will authorize the debtors to enter into a modification agreement on terms to be negotiated between the debtor(s) and the mortgagee so long as modification of the mortgage does not interfere with the debtor's duties and trustee's administration of the chapter 13 plan. The moving party shall submit a proposed order. No appearance is necessary.

16. <u>12-11734</u>-B-13 ALBERT HUGHES
MHM-2
MICHAEL MEYER/MV
PETER FEAR/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE FOR FAILURE TO MAKE PLAN PAYMENTS 1-15-15 [80]

This motion has been withdrawn. No appearance is necessary.

17. <u>13-16639</u>-B-13 GEORGE LOGAN MHM-2
MICHAEL MEYER/MV
GEORGE LOGAN/Atty. for dbt.

MOTION TO DISMISS CASE FOR FAILURE TO MAKE PLAN PAYMENTS 1-12-15 [46]

18. <u>10-60541</u>-B-13 SYLVIA PLASENCIA PBB-5 SYLVIA PLASENCIA/MV PETER BUNTING/Atty. for dbt.

MOTION TO MODIFY PLAN 1-9-15 [84]

The motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The debtor(s) shall submit a proposed confirmation order for approval to the chapter 13 trustee. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. No appearance is necessary.

19. <u>11-61443</u>-B-13 DALTON ELAM MHM-2 MICHAEL MEYER/MV STEVEN ALPERT/Atty. for dbt. RESPONSIVE PLEADING

MOTION TO DISMISS CASE FOR FAILURE TO MAKE PLAN PAYMENTS 1-12-15 [92]

This motion has been withdrawn. No appearance is necessary.

20. <u>14-14343</u>-B-13 RICHARD KELLEY PLF-1 RICHARD KELLEY/MV

PETER FEAR/Atty. for dbt.
RESPONSIVE PLEADING

CONTINUED MOTION TO VALUE COLLATERAL OF PENSCO TRUST COMPANY 9-25-14 [17]

21. <u>14-13650</u>-B-13 JAMES STEWART

TCS-1

JAMES STEWART/MV

TIMOTHY SPRINGER/Atty. for dbt.

MOTION TO CONFIRM PLAN 1-6-15 [$\frac{17}{2}$]

The motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The debtor(s) shall submit a proposed confirmation order for approval to the chapter 13 trustee. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. No appearance is necessary.

22. 14-14050-B-13 WADE WILLIAMS
BSH-2
WADE WILLIAMS/MV
BRIAN HADDIX/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO CONFIRM PLAN 1-10-15 [46]

23. 10-12652-B-13 RONALD/SUSAN RENEAU
MHM-2
MICHAEL MEYER/MV
SCOTT LYONS/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE FOR FAILURE TO MAKE PLAN PAYMENTS 1-5-15 [60]

This motion has been withdrawn. No appearance is necessary.

24. 11-61459-B-13 HABIB SABZEHZAR
MHM-1
MICHAEL MEYER/MV
MELISSA MCDONALD/Atty. for dbt.
MOTION WITHDRAWN, RESPONSIVE
PLEADING

MOTION TO DISMISS CASE FOR FAILURE TO MAKE PLAN PAYMENTS 1-12-15 [33]

This motion has been withdrawn. No appearance is necessary.

25. <u>14-14061</u>-B-13 EPIFANIO FLORES
TOG-2
EPIFANIO FLORES/MV
THOMAS GILLIS/Atty. for dbt.

MOTION TO CONFIRM PLAN 1-5-15 [28]

The motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The debtor(s) shall submit a proposed confirmation order for approval to the chapter 13 trustee. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. No appearance is necessary.

26. <u>14-14163</u>-B-13 MANUEL/RISSY MONTOYA
ASW-3
MANUEL MONTOYA/MV
ADRIAN WILLIAMS/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO INCUR DEBT 1-28-15 [61]

27. 11-11664-B-7 RAYMOND/MICHELLE BANUELOS MOTION TO DISMISS CASE FOR MHM-2 MICHAEL MEYER/MV STEVEN ALPERT/Atty. for dbt.

FAILURE TO MAKE PLAN PAYMENTS 1-9-15 [45]

This motion will be denied. The debtors have voluntarily converted the case to chapter 7. No appearance is necessary.

10-63365-B-13 JESUS/KARINA OLAGUEZ 28. JESUS OLAGUEZ/MV EDDIE RUIZ/Atty. for dbt. RESPONSIVE PLEADING

MOTION TO VALUE COLLATERAL OF WELLS FARGO BANK 1-13-15 [72]

1<u>1-12668</u>-B-13 ALVINA FISCHER 29. MHM-4MICHAEL MEYER/MV NANCY KLEPAC/Atty. for dbt. DISMISSED

MOTION TO DISMISS CASE FOR FAILURE TO MAKE PLAN PAYMENTS 1-9-15 [128]

This matter will be dropped from calendar without a disposition. The case has already been dismissed. No appearance is necessary.

30. 14-14873-B-13 EDWARD/PAMELA CAMPBELL

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES 2-4-15 [39]

14-15774-B-13 CLARENCE HOPKINS 31. DRJ-2 CLARENCE HOPKINS/MV DAVID JENKINS/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF COUNTRYWIDE HOME LOANS INCORPORATED 1-26-15 [<u>15</u>]

The motion will be denied without prejudice. No appearance is necessary. The named respondent in the motion is Countrywide Home Loans Incorporated. Based on the proof of claim, the holder of this mortgage lien appears to be Bank of New York Mellon as Trustee.

32. 14-15774-B-13 CLARENCE HOPKINS DRJ-3 CLARENCE HOPKINS/MV DAVID JENKINS/Atty. for dbt.

MOTION TO AVOID LIEN OF AVANT INVESTMENTS, INC. 1-26-15 [18]

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown. moving party shall submit a proposed order. No appearance is necessary.

33. 12-17776-B-13 STEPHEN/TINA BEATON MHM-1MICHAEL MEYER/MV

> MARK ZIMMERMAN/Atty. for dbt. WITHDRAWN

MOTION TO DISMISS CASE FOR FAILURE TO MAKE PLAN PAYMENTS AND/OR MOTION TO DISMISS CASE 1-15-15 [36]

This motion has been withdrawn. No appearance is necessary.

34. 14-15876-B-13 SCOTT NAGEL

PENNYMAC LOAN SERVICES, LLC/MV

SCOTT SAGARIA/Atty. for dbt. TIMOTHY SILVERMAN/Atty. for mv.

OBJECTION TO CONFIRMATION OF PLAN BY PENNYMAC LOAN SERVICES, LLC 1-30-15 [22]

This matter will be continued to March 26, 2015, at 1:30 p.m. The trustee has not yet concluded the meeting of creditors and by prior order of the court, the trustee has another 7 days after completion of the creditors' meeting to file his objection to the plan. The court will prepare a civil minute order. No appearance is necessary.

35. 14-15379-B-13 CARLOS NAVARRETTE TCS-1 CARLOS NAVARRETTE/MV

TIMOTHY SPRINGER/Atty. for dbt.

MOTION TO CONFIRM PLAN 1-8-15 [19]

The motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The debtor(s) shall submit a proposed confirmation order for approval to the chapter 13 trustee. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. appearance is necessary.

36. 14-15379-B-13 CARLOS NAVARRETTE TCS-2CARLOS NAVARRETTE/MV TIMOTHY SPRINGER/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF STERLING JEWELERS 1-12-15 [25]

This motion to value respondent's collateral was fully noticed in compliance with the Local Rules and there was no opposition. will be granted for cause shown without oral argument. Based on the evidence presented, the respondent's secured claim will be fixed at \$1,500. The moving party shall submit a proposed order consistent with this ruling. The proposed order shall specifically identify the collateral, and if applicable, the proof of claim to which it relates. The order will be effective upon confirmation of the chapter 13 plan. No appearance is necessary.

37. <u>13-16582</u>-B-13 LARRY ROBERTS SNM-2
LARRY ROBERTS/MV
STEPHEN MURPHY/Atty. for dbt.
RESPONSIVE PLEADING

OBJECTION TO CLAIM OF ALTAIR OH XIII, LLC, CLAIM NUMBER 5 12-30-14 [27]

38. <u>14-14989</u>-B-13 ARTHUR BELL
TCS-1
ARTHUR BELL/MV
TIMOTHY SPRINGER/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO CONFIRM PLAN 1-7-15 [35]

39. 11-12691-B-13 JAYSON/JAMIEDAWN
MHM-1 DANDURAND
MICHAEL MEYER/MV
JOSEPH ARNOLD/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE 1-9-15 [51]

This motion has been withdrawn. No appearance is necessary.

40. 14-15894-B-13 DAVID CANIGLIA
14-1152
CANIGLIA V. DISCOVER BANK
TIMOTHY SPRINGER/Atty. for pl.
DISMISSED

STATUS CONFERENCE RE: COMPLAINT 12-16-14 [1]

This matter will be dropped from calendar without a disposition. The adversary proceeding has already been dismissed. No appearance is necessary.

41. 14-15797-B-13 MISTY PEREZ
14-1154
PEREZ V. BOUDREAUX ET AL
PETER BUNTING/Atty. for pl.

STATUS CONFERENCE RE: COMPLAINT 12-31-14 [1]

This matter will be dropped from calendar without a disposition. The adversary proceeding has already been dismissed. No appearance is necessary.

1. 13-16845-B-7 KEYSTONE MINE MANAGEMENT
14-1112
GORSKI V. KEYSTONE MINING
COMPANY ET AL
LISA HOLDER/Atty. for pl.
RESPONSIVE PLEADING

CONTINUED STATUS CONFERENCE RE: COMPLAINT 9-17-14 [1]

The court intends to drop the status conference from calendar to be reset, if necessary, after the motion for summary judgement is fully resolved. No appearance is necessary at the status conference.

2. <u>13-16845</u>-B-7 KEYSTONE MINE MANAGEMENT <u>14-1112</u> II KDG-1 GORSKI V. KEYSTONE MINING COMPANY ET AL RESCHEDULED HEARING RE: MOTION FOR SUMMARY JUDGMENT AND/OR MOTION FOR SUMMARY JUDGMENT, MOTION FOR JUDGMENT ON THE PLEADINGS
1-8-15 [54]

LISA HOLDER/Atty. for mv. ORDER 1/28/15,

3. <u>10-18346</u>-B-12 RICKY BEALS MNE-1 M. ENMARK/MV

PETER FEAR/Atty. for dbt. RESPONSIVE PLEADING

CONTINUED MOTION TO DISMISS
CASE FOR FAILURE TO MAKE PLAN
PAYMENTS
12-17-14 [399]

4. <u>10-18346</u>-B-12 RICKY BEALS
PLF-24
RICKY BEALS/MV
PETER FEAR/Atty. for dbt.

MOTION TO MODIFY CHAPTER 12 PLAN 1-14-15 [403]